

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS

ANTHONY FAIRFIELD)
vs.)
Plaintiff,)
vs.) Case No.:
J. HARRELL CLINTON,)
RYAN WHITE,)
UNIDENTIFIED OFFICERS OF MASSAC) JURY TRIAL DEMANDED
COUNTY, and)
MASSAC COUNTY,)
Defendants.)

COMPLAINT

NOW COMES the Plaintiff, Anthony Fairfield, by and through his attorney, Matthew B. Ferrell of Johnson, Schneider & Ferrell, L.L.C., and complaining of the Defendants, J. Harrell Clinton and Ryan White, individually and in their official capacity as Officers of Massac County, Unidentified Officers of Massac County and Massac County, states as follows:

JURISDICTION

1. Jurisdiction is proper in this Court as Plaintiff's claims involve the application of the federal constitution and Title 42, U.S.C., Section 1983.
2. Venue is proper in this Court as the acts giving rise to Plaintiff's complaint occurred in the Southern District of Illinois.
3. That this Court has supplemental jurisdiction over Plaintiff's additional state law claims.

COUNT I - MONELL COUNT

4. That this is a civil action for damages to redress deprivations under color of law of the rights, privileges and immunities secured by the Fourth and Fourteenth Amendments to the United States Constitution and Title 42, U.S.C., Section 1983.

5. That the Plaintiff, Anthony Fairfield was at all times relevant herein a citizen of the United States and of the State of Illinois and was a resident of Metropolis, Illinois.

6. That the Defendant, Clinton J. Harrell ("Harrell") and Defendant, Ryan White ("White"), were at all times relevant herein, duly appointed, qualified and acting police officer employed by the Defendant, Massac County ("Massac").

7. That the Defendants Harrell and White were at all times relevant herein, duly appointed, qualified and acting police officers employed by the Massac County. That said Defendants are herein sued in their official capacity as well.

8. That at all times material herein the Defendant, Massac County provided Harrell and White with official badges and credentials which designated and described them as a police officer of Massac County.

9. That Harrell and White engaged in the conduct complained of under color and pretense of the statutes, ordinances, regulations, customs, and usages of the Defendant Massac County, in their capacity as a Massac County officer.

10. That on or about August 29, 2021, the Plaintiff, Anthony Fairfield, was in his vehicle at or near the parking lot of the Hucks gas station in Metropolis, Illinois.

11. That on or about the dates aforesaid Defendants Harrell and White, maliciously and unlawfully used undue force on the Plaintiff, Anthony Fairfield, including tasing Plaintiff, tackling him to the ground on multiple occasions, punching Plaintiff while in a defenseless position and putting their weight on Plaintiff's chest to the degree it was difficult for him to breathe.

12. That the aforesaid conduct of Defendants Harrell and White, with permission of a superior officer who treated such unlawful and malicious conduct as routine, illustrates that the Defendant, Massac County failed to supervise, discipline, counsel and otherwise control its officers.

13. That Defendants, Harrell and White and the County of Metropolis and the sheriff's department maintained a code of silence whereby officers would not testify against other officers who committed unconstitutional acts. That the aforesaid actions constituted a widespread and accepted practice that is so permanent and well settled as to constitute a custom or usage with the force of law.

14. That as a direct and proximate result of the foregoing wrongful acts the Plaintiff, Anthony Fairfield, suffered diverse injuries, both internally and externally, of a permanent and lasting nature, which have caused and will continue to cause pain in body and mind; that he suffered acute and prolonged physical and mental pain and suffering; that the Plaintiff was caused to expend and in the future will be caused to expend large sums of money for medical care in endeavoring to be cured of said injuries; and the Plaintiff has been and in the future will be prevented from attending to his usual affairs and duties.

15. That the Plaintiff is entitled to his costs and reasonable attorney's fees incurred herein pursuant to 42 United States Code, Section 1988.

WHEREFORE, the Plaintiff, Anthony Fairfield, prays judgment against the Defendants, jointly and severally, for a fair and reasonable sum in excess of FIFTY THOUSAND dollars (\$50,000), for attorney's fees and costs, and for such other relief as is just and proper.

COUNT II - BATTERY - RESPONDENT SUPERIOR

16. That Plaintiff reincorporates and re-alleges each and every fact and allegation in paragraphs 1-15 of this Complaint as if fully set forth herein.

17. That at all times material herein, the Defendants Harrell and White were duly appointed, qualified and acting police officer for the Defendant, Massac County. That said Defendants are herein sued in their official and individual capacity.

18. That at all times material herein, the Defendants Harrell and White engaged in the conduct complained of in the course and scope of their employment with the Massac County Sheriff's Department.

19. That on or about the dates aforesaid Defendants Harrell and White, maliciously and unlawfully used undue force on the Plaintiff, without Plaintiff's consent, including tasing Plaintiff, tackling him to the ground on multiple occasions, punching Plaintiff while in a defenseless position and putting their weight on Plaintiff's chest to the degree it was difficult for him to breathe.

20. That as a direct and proximate result of the foregoing wrongful acts the Plaintiff, Anthony Fairfield, suffered diverse injuries, both internally and externally, of a permanent and

lasting nature, which have caused and will continue to cause pain in body and mind; that he suffered acute and prolonged physical and mental pain and suffering; that the Plaintiff was caused to expend and in the future will be caused to expend large sums of money for medical care in endeavoring to be cured of said injuries; and the Plaintiff has been and in the future will be prevented from attending to his usual affairs and duties.

21. That the Defendant, Massac County is responsible for the aforesaid actions of Defendants Harrell and White pursuant to the doctrine of respondeat superior.

WHEREFORE, the Plaintiff, Anthony Fairfield, prays judgment against the Defendants, Harrell and White, individually, and in their official capacity as a an officer of Massac County and each of them for a fair and reasonable sum in excess of FIFTY THOUSAND dollars (\$50,000), and for such other relief as is just and proper.

COUNT III - STATE WILLFUL AND WANTON FEDERAL CIVIL RIGHTS VIOLATION

22. That Plaintiff reincorporates and re-alleges each and every fact and allegation in paragraphs 1-21 of this Complaint as if fully set forth herein.

23. That the aforementioned acts of Harrell and White were willful and in wanton disregard for Plaintiff's civil rights.

24. That as a direct and proximate result of the foregoing wrongful acts the Plaintiff, Anthony Fairfield, suffered diverse injuries, both internally and externally, of a permanent and lasting nature, which have caused and will continue to cause pain in body and mind; that he suffered acute and prolonged physical and mental pain and suffering; that the Plaintiff was caused to expend and in the future will be caused to expend large sums of money for medical

care in endeavoring to be cured of said injuries; and the Plaintiff has been and in the future will be prevented from attending to his usual affairs and duties.

25. That the Plaintiff is entitled to recovery of his costs and reasonable attorney's fees incurred herein pursuant to 42 United States Code, Section 1988.

WHEREFORE, the Plaintiff, Anthony Fairfield, prays judgment against the Defendants, jointly and severally, for a fair and reasonable sum in excess of FIFTY THOUSAND dollars (\$50,000), for attorney's fees and costs, and for such other relief as is just and proper.

COUNT IV - STATE WILLFUL AND WANTON CIVIL RIGHTS VIOLATIONS

26. That Plaintiff reincorporates and re-alleges each and every fact and allegation in paragraphs 1-25 of this Complaint as if fully set forth herein.

27. That this is a civil action for damages to redress deprivations under the laws of the State of Illinois.

28. That the acts of Defendants Harrell and White were violative of Plaintiff's rights as protected by Article 1, Section 6 of the Constitution of the State of Illinois as well as common law adopted by the Courts of the State of Illinois.

29. That the Defendant, Massac County is responsible for the aforesaid violations of the law of the State of Illinois committed by the Defendants Harrell and White pursuant to the doctrine of respondeat superior.

30. That as a direct and proximate result of the foregoing wrongful acts the Plaintiff, Anthony Fairfield, suffered diverse injuries, both internally and externally, of a permanent and lasting nature, which have caused and will continue to cause pain in body and mind; that he

suffered acute and prolonged physical and mental pain and suffering; that the Plaintiff was caused to expend and in the future will be caused to expend large sums of money for medical care in endeavoring to be cured of said injuries; and the Plaintiff has been and in the future will be prevented from attending to his usual affairs and duties.

WHEREFORE, the Plaintiff, Anthony Fairfield, prays judgment against the Defendants, jointly and severally, for a fair and reasonable sum in excess of FIFTY THOUSAND dollars (\$50,000), for attorney's fees and costs, and for such other relief as is just and proper.

COUNT V - INTENTIONAL INFILCTION OF EMOTIONAL DISTRESS

31. That Plaintiff reincorporates and re-alleges each and every fact and allegation in paragraphs 1-30 of this Complaint as if fully set forth herein.

32. That the Plaintiff, Anthony Fairfield, was at all times relevant herein, a citizen of the United States, and of the State of Illinois, and was a resident of the county of Massac and city of Metropolis.

33. That the Defendants Harrell and White were at all times relevant herein, duly appointed, qualified and acting police officer employed by the Defendant, Massac County and were engaged in the conduct complained of in the course and scope of their employment as police officers for Defendant, Massac County. That said Defendants are herein sued in their official and individual capacities.

34. Defendants, Massac County, Harell and White, intended that their conduct would inflict severe emotional distress on the Plaintiff, or they knew that there was a high probability that their conduct would cause severe emotional distress.

35. That as a direct and proximate result of the foregoing wrongful acts the Plaintiff, Anthony Fairfield, suffered diverse injuries, both internally and externally, of a permanent and lasting nature, which have caused and will continue to cause pain in body and mind; that he suffered acute and prolonged physical pain and suffering; that the Plaintiff sustained a severe shock and damage to his nervous system and other systems of his body; that he suffered severe emotional distress; that he suffered great and lasting mental anguish; that the Plaintiff was caused to expend and in the future will be caused to expend large sums of money for medical care in endeavoring to be cured of said injuries; and the Plaintiff has been and in the future will be prevented from attending to his usual affairs and duties.

36. That the Defendant, Massac County, is responsible for the aforesaid actions of Defendants Harrell and White pursuant to the doctrine of respondeat superior.

WHEREFORE, the Plaintiff, Anthony Fairfield, prays judgment against the Defendants, jointly and severally, for a fair and reasonable sum in excess of FIFTY THOUSAND dollars (\$50,000), for attorney's fees and costs, and for such other relief as is just and proper.

Respectfully submitted,

/s/ Matthew B. Ferrell
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